

# Charges dropped in Ammons case

OMAHA (AP) — A judge on Thursday dropped charges against a white police officer who shot and killed a black man last October, saying misconduct by one grand jury member had tainted the indictment process.

Douglas County District Judge Robert Burkhard dismissed the grand jury's indictment against Omaha police officer Todd Sears, who had been accused of manslaughter in the shooting death of Marvin Ammons, 33.

Sears and his lawyer, Michael Fabian, sought to have the charges dismissed after claiming misconduct occurred by a jury member. Burkhard agreed that one alternate on the jury engaged in misconduct serious enough to warrant dismissal of the charges.

Burkhard said the juror, among other things, threatened to go to the media if the rest of the jury did not indict Sears in the shooting.

The alternate also went to the scene of the shooting and asked and made more than 400 questions and comments during grand jury proceedings despite instructions against both activities. She also told other grand jurors they were "liars," who knew more about the case than they admitted, according to dismissal documents filed late Thursday afternoon.

Other jurors quoted the woman as

**"The family has patiently waited for one year for justice and now we're being told the grand jury misbehaved?"**

**DAVID HERZOG**  
attorney for Ammons' family

saying, "They're not getting off the hook because they are police officers — not while I have a breath in me."

Douglas County Prosecutor John Grant said prosecutors knew the alternate juror had asked some questions, but "did not figure they would be enough to dismiss the indictment."

Grant said he did not know whether a second grand jury would be convened.

David Herzog, the attorney for Ammons' family, said his clients were devastated by the ruling.

"There is going to be very sincere hurt, disappointment and very worrisome doubt about why this happened," David Herzog said.

"This family has asked for one thing from beginning to end, and that's justice," Herzog said. "The family has patiently waited for one year for justice, and now we're being told the grand jury misbehaved?"

Ammons' mother has filed

wrongful death lawsuits against the city of Omaha and Douglas County on behalf of Ammons' four children. Ammons' father died of cancer in September.

Fabian, Sears' attorney, said the officer is momentarily relieved, but "at the same time he knows that the road ahead has not ended."

"We knew that if we sought to have the indictment dismissed based on grand jury misconduct — that if it happens, the road ahead would still be a long one," Fabian said.

Meanwhile, black community leaders in Omaha said they were outraged by the decision but urged community members to remain calm.

The Rev. Everett Reynolds, head of the local NAACP chapter, said the group had not decided on a course of action, but did not hold out hope that a second grand jury investigation would satisfy Omaha's minority community.

## Hagel considers a run for higher Senate post

■ The Nebraska senator says he is upset with the current Republican election strategy.

an opportunity," he said.

Of seven Senate races considered tossups heading into the Tuesday vote, Democrats won six. That left no net change in the 55-45 Republican majority makeup in the Senate.

"This election proved that you can't just throw millions and millions of dollars on television ads that are negative against opponents," Hagel said. He said Republicans offered no positive message.

"People do respond to hope," he said, noting that Republican Governor-Elect Mike Johanns proved that in Nebraska. Johanns continually refused to be lured into negative campaigning or comments.

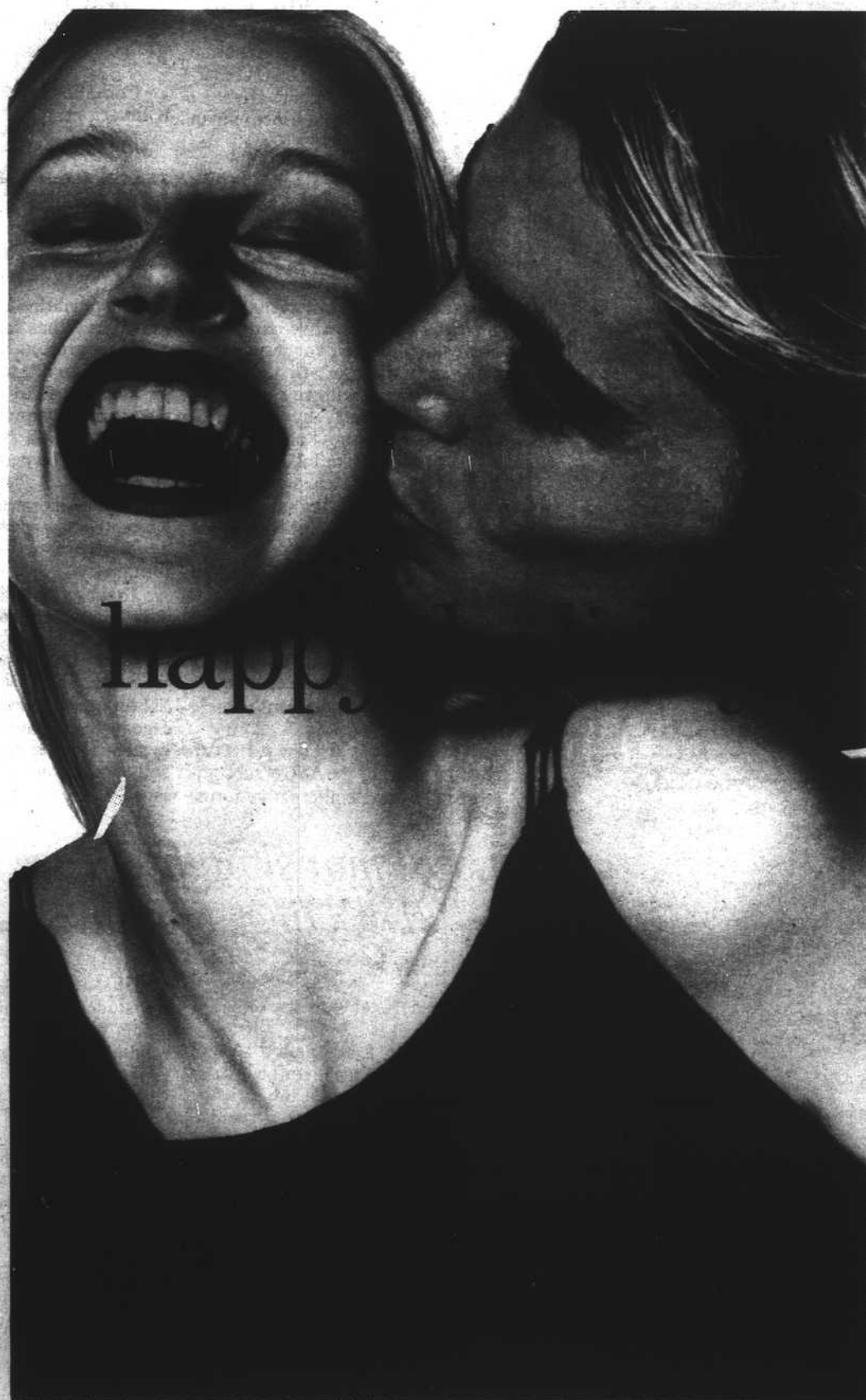
Hagel criticized the GOP congressional leadership earlier this fall over a budget agreement with President Clinton. He said then that the Republicans were heading into a critical election without a positive message for voters.

OMAHA (AP) — Nebraska Sen. Chuck Hagel is so upset with the Republican election strategy that he is speaking to GOP colleagues about challenging the party's Senate leadership.

The first-term senator said Wednesday that he is considering challenging Sen. Mitch McConnell of Kentucky for chairman of the National Republican Senatorial Committee.

Hagel said he was more than disappointed in a failure of the party to pick up a single Senate seat in Tuesday's election. He said there were hopes of picking up five GOP senators to eliminate any Democratic filibuster attempts.

"The Republicans squandered



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